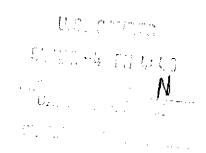
Richard A. Hearn (ISB No. 5574)
Stephen J. Muhonen (ISB No. 6689)
RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED
P. O. Box 1391/Center Plaza

Pocatello, Idaho 83204-1391 Telephone: (208) 232-6101

Facsimile: (208) 232-6109

Attorneys for Dr. Porter Sutton



UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO



POCATELLO DENTAL GROUP, P.C., an)		(T) (00 450 T) I 3 5 D
Idaho professional corporation,	Case No.:	CV-03-450-E-LMB
Plaintiff,	DODTED	SUTTON'S RULE 12(b)(6)
vs.	MOTION TO DISMISS INTERDENT SERVICE CORPORATION'S	
INTERDENT SERVICE CORPORATION,)		COUNTERCLAIM
a Washington corporation,		
Defendant.		
INTERDENT SERVICE CORPORATION,) a Washington corporation,		
Counterclaimant,)		
vs.		
POCATELLO DENTAL Group, P.C., an) Idaho professional corporation; DWIGHT) G. ROMRIELL, individually; LARRY R.)		
MISNER IP individually PORTER		

PORTER SUTTON'S RULE 12 (b)(6) MOTION TO DISMISS INTERDENT SERVICE CORPORATION'S COUNTERCLAIM - Page 1 $\,$

SUTTON, individually; ERNEST)		
SUTTON, individually; GREGORY)			
ROMRIELL, individually; ERROL)			
ORMOND, individually; and ARNOLD)		
GOODLIFFE, individually,)		
)		
Counterdefendants.)		
)		
)		
)		
LARRY R. MISNER, JR, individually,)		
	ì		
Counterclaimant,	<u>,</u>		
	ļ		
VS.	ì		
INTERDENT SERVICE CORPORATION,	ì		
a Washington corporation,	Z N		
a washington corporation,	í		
Counterdefendant.	Ś		
Counte, detendant.	í		
	í		
	í		
LARRY R. MISNER, JR., individually,	Ś		
<u> </u>)		
Crossclaimant,	í		
·)		
VS.)		
)		
POCATELLO DENTAL GROUP, P.C., an)			
Idaho professional corporation,			
-)		
Crossdefendant)		

Pursuant to Federal Rules of Civil Procedure, Rules 9(b) and 12(b)(6), Counterdefendant Porter Sutton ("Sutton") through his counsel of record moves this Court to dismiss Counterclaimant Interdent Service Corporation's ("ISC") Counterclaim against him stated in ISC's Sixth and Seventh Claims for Relief in ISC's Counterclaim with prejudice for the reasons given in Sutton's accompanying Memorandum in Support of Porter Sutton's Rule 12(b)(6) Motion to Dismiss Interdent Service Corporation's Counterclaim.

DATED this 4 day of March, 2004.

RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED

CERTIFICATE OF SERVICE

Gary L. Cooper

Fax: 503-220-2480

I HEREBY CERTIFY that on this 4 day of March, 2004, I served a true and correct copy of the above and foregoing document to the following person(s) as follows:

[2] U.S. Mail, postage prepaid

y	D. Hand Dollarson		
Ron Kerl	[] Hand Delivery		
ames P. Price	[] Overnight Mail		
COOPER & LARSEN	[] Facsimile		
P.O. Box 4229			
Pocatello, ID 83205-4229			
Fax: 208-235-1145			
Lowell N. Hawkes	U.S. Mail, postage prepaid		
LOWELL N. HAWKES, CHTD.	[] Hand Delivery		
1322 E. Center St.	Overnight Mail		
Pocatello, ID 83201	[] Facsimile		
Fax: 208-235 - 4200			
Erik F. Stidham	[X] U.S. Mail, postage prepaid		
G. Rey Reinhardt	Hand Delivery		
STOEL RIVES LLP			
101 South Capital Blvd.			
Suite 1900	• •		
Boise, ID 83702-5958			
Fax: 208-389-9040			
Scott J. Kaplan	☑ U.S. Mail, postage prepaid		
STOEL RIVES LLP	[] Hand Delivery		
	_		
Pocatello, ID 83201 Fax: 208-235-4200 Erik F. Stidham G. Rey Reinhardt STOEL RIVES LLP 101 South Capital Blvd. Suite 1900 Boise, ID 83702-5958 Fax: 208-389-9040 Scott J. Kaplan	[] Facsimile [X] U.S. Mail, postage prepaid [] Hand Delivery [] Overnight Mail [] Facsimile [] U.S. Mail, postage prepaid		

PORTER SUTTON'S RULE 12 (b)(6) MOTION TO DISMISS INTERDENT SERVICE CORPORATION'S COUNTERCLAIM - Page 4